

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

BOUGUELERET ET AL.

INTERNATIONAL APPLICATION NO: PCT/EP03/06766

FILED: 26 JUNE 2003

U.S. APPLICATION NO: 10/520,730

35 USC §371 DATE: May 1, 2006

FOR: SECRETED POLYPEPTIDE SPECIES ASSOCIATED WITH  
CARDIOVASCULAR DISORDERS

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement of May 6, 2008, Applicants hereby elect Group 1, claims 1 (in part) and 2-7, drawn to a method of screening for and/or diagnosing a cardiovascular disorder in a subject, comprising the steps of: detecting and/or quantifying the level of a polypeptide SEQ ID NO:2 and isolated polypeptide SEQ ID NO:2.

This election is made with traverse. As explained in at least the "CPPs of the invention" section (page 16 of the originally filed text), "SEQ ID NOs 1 and 3 represent two highly similar allelic variants that differ by one regular Single Nucleotide Polymorphism (SNP) that changes an E to a G residue and one insertion SNP which induces a frameshift." SEQ ID NOs 2 and 4 are the mature peptide sequences of SEQ ID NOs 1 and 3, and correspond to CPP (Cardiovascular disorder Plasma Polypeptides) 10 and 11, respectively. As further explained in the "CPPs of the invention" section, CPPs 10 and 11 are plasma proteins with high homology to proteins from the phosphatidylethanolamine-binding protein (PEBP) family.

Therefore, SEQ ID NOs 2 and 4 are similar (well within the 75% sequence identity described in part (i)(b) of the presently claimed methods), and a search for one could easily include the other, and would not constitute an undue search burden on the part of the Examiner. Applicants hereby respectfully request a rejoinder of Groups 1 and 2.

Applicants also hereby respectfully request a rejoinder of Groups 3-21, since the screening and diagnosis methods of Group I directly implicate CPP polypeptides and anti-CPP antibodies. In the search for said screening and diagnosis methods in the art, the Examiner will inevitably be looking for CPP polypeptides and anti-CPP antibodies that can potentially be used to detect, e.g., SEQ ID NOs 2 and 4 (as well as fragments thereof, such as SEQ ID NOs 5 and 10).

Applicants file a four month petition for extension of time herewith, and believe that no additional fees are due with this filing. However, if it is deemed that additional fees are required, the Commissioner is authorized to charge Deposit Account No. 504409 in the name of Novartis for any fees due.

An early and favorable action on the merits is respectfully requested.

Respectfully submitted,

Novartis Institutes for Biomedical Research, Inc.  
400 Technology Square  
Cambridge MA 02139

(617) 871-3343

Date: October 6, 2008

/Paul J. Paglierani/  
Paul J. Paglierani  
Attorney for Applicants  
Reg. No. 52,498